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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,218	12/21/2000	Stephen Meyers	4925-67	3215

7590 07/11/2005  
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EXAMINER

RUDY, ANDREW J

ART UNIT PAPER NUMBER

3627

DATE MAILED: 07/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary****Application No.**

09/747,218

**Applicant(s)**

MEYERS, STEPHEN

**Examiner**

Andrew Joseph Rudy

**Art Unit**

3627

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 April 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 21-28, 35, 36, 38 and 39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-28, 35, 36, 38 and 39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### DETAILED ACTION

1. Applicant's June 30, 2005 Amendment has been reviewed. The previous 35 USC 112 rejection is withdrawn pursuant to the Amendment and related REMARKS.

2. Claims 21-28, 35, 36, 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Engstrom et al., US 6,463,078 in view of Faris et al., US 6,659,861.

Engstrom discloses a game system for terminals to interact in a network recreation environment, e.g. col. 2, lines 35-67; Fig. 3, cols. 6-7, 10-11, with users, 20, 22, 24; col. 16, lines where a function, i.e. "GetPlayerCaps," retrieves a players connection speeds, in a virtual location, col. 7, lines 40-49; Fig. 4B. Engstrom does not specifically disclose the terms "implementing a delay time" as recited from claim 21. However, Engstrom discloses alternative protocols, e.g. cols. 17-18, and a latency issue, e.g. col. 21, col. 28, lines 51-67.

Faris discloses a global gaming system comprising latency, i.e. delay time issues, for providing time and space stamped responses.

To have provided a delay time in the transmission of messages for simulating transmission delays in a game, i.e. recreation environment, would have been obvious to one of ordinary skill in the art in view of Faris. The motivation for doing such would have been to incorporate common knowledge time and space responses in a game environment. Regarding the particulars of the dependent claims to have provided such common knowledge would have been obvious to one of ordinary skill in the art, e.g. claim 22, inputting a name of a proximate city from a list of cities.

environment. Regarding the particulars of the dependent claims to have provided such common knowledge would have been obvious to one of ordinary skill in the art, e.g. claim 22, inputting a name of a proximate city from a list of cities.

Applicant's June 30, 2005 REMARKS have been reviewed, but are not convincing. Applicant states the present invention relates to a system for simulating communication delays at simulated spatial positions. The Examiner does not see the terms "simulating communication delays" present from the claim language. As is, Engstrom, as modified by Faris, is deemed to fully render obvious Applicant's claim language. It is further noted that Applicant's claim language is replete with intended claim language, e.g. claim 1, line 1, "for allowing." Such language is given patentable weight, but not the same patentable weight as positively recited claim language, e.g. claim 1, line 1, "A system." It is the Examiners position that Engstrom, as modified by Faris, may perform the intended use claim language. The time delays and linked terminals as recited by Applicant do not define over the latency of the system of Engstrom, as modified by Faris. The term virtual distance does define over the cited references.

3. Further pertinent references are noted on the attached PTO-892. It is noted that US 5,588,139; US 5,659,691 and US 6,675,726 disclose in broad scope and content Applicant's inventive concept.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

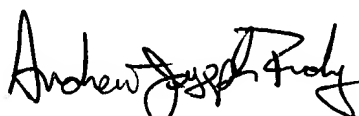
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Joseph Rudy whose telephone number is 571-272-6789. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander G. Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Andrew Joseph Rudy". The signature is stylized with a large initial "A" and a prominent "R".

Andrew Joseph Rudy  
Primary Examiner  
Art Unit 3627